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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,772	12/30/2003	C. Lynn Nunley	LOAD17175DII	8214

7590

07/22/2004

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EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,772

Applicant(s)

NUNLEY, C. LYNN

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-28 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-22 have been cancelled and new claims 23-29 have been added by the applicant in the paper filed 12/30/03. Pending claims 23-29 have been examined below.

Claim Objections

Claim 25 is objected to because of the following informalities: Claim 25, line 1, the word "use" is spelled as "us". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,421,971 to Gembala in view of U.S. Patent No. 6,006,482 to Kelly.

Regarding claim 23, Gembala discloses a wall assembly comprised of a roof deck (fig. 2: 22) including a rigid sheet (fig. 2: 24) over a corrugated material (fig. 2: below 24), a parapet (fig. 2: 60) wall having a sheet of rigid material (fig. 2: elongated M shaped sheet on top of parapet), the wall extending orthogonal to the roof deck and intersecting the roof deck, a transition assembly (fig. 2: 12) secured to the corrugated

component and a leg of the transition assembly extending parallel (fig. 2: 16) to and overlapping a portion of the wall and a wall component having a connector portion (fig. 2: 92) and a free end portion (fig. 2: above M shaped member at top of wall, connected to 92) which extends over the free end portion of the wall, the connector portion overlaying and secured to the connecting surface (fig. 2: 36) of the base component. However, Gembala does not disclose the corrugated member as being a sheet. Kelly discloses a perimeter assembly comprised of a roof and parapet having a corrugated roof sheet (fig. 29: 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gembala by using a corrugated sheet, as disclosed by Kelly, in order to reduce manufacturing times and costs of the structure.

Regarding claim 24, Gembala discloses a fastener securing the base component (fig. 2: 38) to the wall but does not disclose the fastener securing the wall component (fig. 2: 92) to the wall. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gembala by extending the fastener through both the wall component and base component, as the overlap in the vicinity of the fastener (fig. 2: near 38) in order to better secure the wall component to the structure, since Gembala discloses the wall component as being indirectly secured to the wall component through fasteners (fig. 2: see 92 fastened to M member which is fastened to wall).

Regarding claim 25, Gembala discloses the claimed invention except for a second set of roof components for an intersection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a second set of

roofing components to construct a building requiring more than one face, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Regarding claim 26, Gembala discloses a cant component (fig. 2: adjacent and above 92) positioned at the intersection of the wall and roof. Gembala discloses the cant as having a central portion and a first upper leg secured, indirectly, to the base component (fig. 2:38) and a lower second leg secured to the wall component (fig. 2: 92).

Regarding claim 27, Gembala discloses the central portion as forming obtuse angles to its first and second legs end legs.

Regarding claim 28, Gembala does not disclose a backing to the central portion of the cant. Kelly discloses a backing (fig. 1: 28) to a parapet cant. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gembala by using a backing under the cant, as disclosed by Kelly, in order to better suport the cant and reduce openings for moisture.

Claim Objections

Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to roof parapets in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK


Basil Katcheves

7/20/04

Examiner AU 3635